

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-16-T - ORDER NO. 2004-547  
OCTOBER 28, 2004

IN RE:	Application of Thomas W. Bivens d/b/a	)	ORDER DENYING
	Bivens Moving Services, 1808 Biltmore	)	REQUEST AND
	Drive, Charleston, SC 29412 (District 6) for a	)	ORDERING
	Class E (HHG) Certificate of Public	)	INVESTIGATION
	Convenience and Necessity	)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the request of Thomas W. Bivens d/b/a Bivens Moving Services (“Bivens”) whereby Bivens seeks a six (6) month suspension of its application in order to come into compliance with the Commission’s directives in Order No. 2004-226.

By Commission Order No. 2004-226, Bivens was granted authority to operate under a Class E Certificate of Public Convenience and Necessity (“Certificate”) conditional upon filing of the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission’s Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through R.38-503 of the Department of Public Safety’s Rule and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of Order No. 2004-226, or within such additional time as may be authorized by the Commission. On August 16, 2004, Bivens filed a request seeking a sixty (60) day extension of time to come into compliance with Order No. 2004-226 by allowing Bivens additional time to prepare for

the S.C. Transport Safety inspection. The Commission granted Bivens' request and accordingly issued Order No. 2004-400 which extended Bivens' deadline for compliance to October 23, 2004.

By letter dated October 21, 2004, from Bivens' counsel, Bivens respectfully requests a suspension of the authority granted to Bivens by Order No. 2004-226 for a period of six (6) months. According to Bivens, the requested suspension is necessary in order to come into compliance with all of the rules and regulations of the Commission. Bivens adds that this request is made with the reservation of rights to go forward with compliance of Order No. 2004-226 without need of a new application and petition.

After consideration of this matter, the Commission finds that there is insufficient information contained in Bivens' request or otherwise contained in the record to grant the requested suspension. The Commission has no information as to the circumstances necessitating a suspension of authority and is concerned as to what extent the inability for Bivens to come into compliance may have in the future operation of the business.

In view of the concerns the Commission has in regards to Bivens' request, the Commission hereby orders the Commission Staff to investigate the reasons for the present request for suspension. The Staff is ordered to report back to the Commission within thirty days of this Order regarding this issue or any related issue which they believe to be relevant to the suspension request of Bivens. We conclude that after receiving the Staff report, this Commission should review the information contained in that report and at that time reconsider the request of Bivens.

IT IS THEREFORE ORDERED:

1. That the request of Thomas W. Bivens d/b/a Bivens Moving Services for suspension of authority is denied.
2. That the Staff shall research the issue as specified in this Order and report back to this Commission within thirty days of this Order.
3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
/s/  
Randy Mitchell, Chairman

ATTEST:

\_\_\_\_\_  
/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)